

1 CONFERENCE 4
2

3 application. I'm going to relieve him
4 as counsel. I'm going to grant him a
5 retaining lien and he'll provide me
6 with an affidavit served on both Ms.
7 Hudak and Mr. MacShane, as to the fees
8 brought up-to-date.

9 I have the fees up to the
10 date of the motion. I need from the
11 date, return date of the motion
12 forward and the Court would be
13 inclined to grant that as well.

14 You may be heard on the
15 issue. Not as to whether he should
16 have the lien, Mr. MacShane. You
17 shall be heard on whether the fees are
18 reasonable and necessary. That's the
19 only argument you can make, that the
20 fees were not reasonable or necessary
21 for this case, but he does not have to
22 turn over the file until that lien is
23 resolved.

24 I further indicated that I'm
25 going to give you an opportunity to
attain a new attorney and I'll give

1 CONFERENCE 5
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3 you through and including November 5th
4 to obtain a new attorney. You'll be
5 back in court. We're going to bring
6 this back on November 17th at 9:30, to
7 take -- to hear, to decide how best
8 to proceed once you have an attorney.

9 But keep in mind if you do
10 not retain a new attorney you will be
11 proceeding without counsel and I'll
12 hold you to the same standard as an
13 attorney. I can't lower the standard,
14 even though I'm aware that you're not
15 an attorney. I will explain whatever
16 I feel is appropriate, without
17 crossing a line and giving you legal
18 advice, but I will advise you as to
19 what's going on and the nature of the
20 proceeding.

21 Mr. Bloomfield, do you wish
22 to be heard?

23 MR. BLOOMFIELD: Just for a
24 second, to point out to the Court that
25 the Order to Show Cause dated the
first day of June, 2004, asked for two

1 CONFERENCE
2

3 forms of relief; an order permitting
4 granting myself leave to withdraw and
5 the Court has just indicated it would
6 grant that.

7 The second one was an order
8 approving movant's interest, my
9 interest, in the property of the
10 Plaintiff, Dermot MacShane, pursuant
11 to NYC 2d 2002.16.2 and attached to
12 the moving papers was an
13 acknowledgment of my interest in his
14 property as set forth and his net
15 worth affidavit and consenting.

16 THE COURT: Let me say this
17 to you: I'm going to grant that to
18 the extent there will be no
19 distribution of any assets to Mr.
20 MacShane without you being heard.

21 And it would be my intention
22 to give you your fee off the top of
23 any distribution.

24 MR. BLOOMFIELD: Thank you.

25 THE COURT: Again, there
will be another judge here. If you

1 CONFERENCE 7
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3 submit this to me, I'll make sure the
4 other judges see it. Before anything
5 can be distributed to you, Mr.
6 Bloomfield is entitled to have his fee
7 paid.

8 MR. MACSHANE: Can I have a
9 copy? I was never served.

10 THE COURT: You had to, to
11 be here.

12 MR. MACSHANE: Your Honor, I
13 was not.

14 THE COURT: I'll ask Mr.
15 Bloomfield to provide you with another
16 copy.

17 MR. BLOOMFIELD: Absolutely
18 and it was served.

19 THE COURT: I have an
20 affidavit of service and it was here
21 on the return date, I believe you had
22 it. Doesn't matter. I'm going to get
23 you a new one. I'm not going to say
24 too bad.

25 MR. MACSHANE: He showed it
to me at that time.

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CONFERENCE

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THE COURT: Doesn't matter.

3

You're going to get it.

4

MR. MACSHANE: One other question. How do I proceed? I'm beyond destitution as it stands.

7

THE COURT: Let me say this.

8

MR. MACSHANE: Such a thing.

10

THE COURT: What is your salary?

11

MR. MACSHANE: \$80,000 a year.

12

THE COURT: Nobody is going to grant you poor person relief making \$80,000.

13

MR. MACSHANE: After child support and other obligations.

14

THE COURT: If you want to make an application, get in touch with Judge Nicolai's office and they'll make short visit. On an \$80,000 income there is no way in the world they will assign an attorney to you.

15

Ms. Hudak, do you wish to be heard?

16

17

18

19

20

21

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23

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25

1. CONFERENCE 9
2.3. MS. HUDAQ: Couple of things.
4.5. I want to make sure my client
6. is aware of the fact during what you
7. have done is a stay period for anymore
8. proceedings. That we are going to be
9. filing contempt motion in this matter
10. and I need for my client to know that
11. I will not be able to do so during
12. this period of time, though I have
13. assured her one will be forthcoming
14. once the period of time is up. If we
15. can clarify the date when I can bring
16. the same?17. THE COURT: The stay was up
18. and including November 5th. And if
19. you bring in an Order to Show Cause to
20. me on November 8th, I'll make it
21. returnable on the 17th.22. Let me say this to you: I
23. take those contempts very seriously.
24. If you're not current, I'll probably
25. do a hearing that day. And keep in
mind if I find that you willfully
violated, with or without an attorney.

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CONFERENCE

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2 you're not going out that way. You go
3 right to the County Jail.

4 MR. MACSHANE: I understand
5 that.

6 Last thing, arrears of \$60.

7 THE COURT: Well, I don't
8 know what it is, but I'm not even
9 saying you're in arrears. I only put
10 people in jail that willfully violate
11 my orders, and I do a hearing, but I
12 have a feeling I'll do the hearing
13 either that day or the next day.

14 So, be prepared and let
15 counsel know, because I'm not going
16 to -- I don't let anybody violate
17 orders. If you haven't violated the
18 order or you owe something like \$60,
19 no way in the world I'm putting you in
20 jail. You'll walk out. I didn't say
21 if they bring the motion you'll go to
22 jail. I'll take testimony and they
23 have to prove it by clear and
24 convincing evidence. You don't have
25 to say anything and you could prevail.

1 CONFERENCE 11

2 You have to prevail in the case. If
3 they show all the money, number one,
4 you can argue you don't owe it, which
5 is of course a complete defense or
6 that failure to pay was not willful,
7 but once, if I find it's willful, you
8 go to jail until you pay what's owe
9 and six months is a long time to sit
10 in there.

11 MS. HUDA: Additionally, to
12 make certain Mr. MacShane is very
13 clear, that the pendente lite order of
14 the Honorable John W. Sweeney, Jr., is
15 in effect.

16 THE COURT: That order has
17 to be complied with, I never vacated
18 it. You're aware that whatever Judge
19 Sweeney had in that order, you're
20 supposed to be in compliance with.

21 MR. MACSHANE: It's
22 impossible.

23 THE COURT: Wait. Are you
24 aware that it's still in effect and
25 nothing happens to that order by

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CONFERENCE

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anything that I did today?

3

MR. MACSHANE: Yes.

4

THE COURT: So, if they show
5 that you are not in compliance, then
6 you have to come forth and show, I'm
7 not in compliance, but it's not
8 willful. If I disagree with you or I
9 find for argument's sake you should
10 have paid more than you did, it's
11 going to be jail until you, you know
12 you don't get time to go get the
13 money.

14

So, if you could somehow
15 raise the money and they document it
16 so, I would strongly suggest that you
17 do so, because I don't like sending
18 people to jail. I abhor it, but I find
19 that other than one case over ten
20 years, every person I put in jail
21 within two to three days, every single
22 penny has appeared and the other
23 person had the money and basically was
24 spitting in my face and said to me, I
25 got it and I'm not paying it, so he

1 CONFERENCE
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13

wanted to sit there for six months.
Wasn't much I could do.

4
5 MR. MACSHANE: Your Honor, I
never had the money.

6
7 THE COURT: They have to
prove. This is the order and this is
8 what you paid and then you have the
9 burden of coming forward and saying
10 yes, I paid it, and if you paid it
11 it's over or no, I didn't, but it
12 wasn't willful.

13
14 There is three choices. I
15 can either say you're cleared, none of
16 this was willful, or I could say,
17 well, he ordered you to pay X dollars
18 you couldn't afford X, but you could
19 afford Y, so you go to jail until Y is
20 paid, or I could say, no, they have
21 established that you didn't comply
22 with the order and I don't see any
23 reason why you couldn't comply and
24 then you go to jail. It's six months
25 sentence. I want you to know that,
but keep in mind you have the key. If

1 CONFERENCE
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3 you make payment, I open the jail door
4 that day. I don't keep people in
5 there to punish them. The sole
6 purpose of this is to coerce
7 compliance.

8 MS. HUDAQ: Your Honor,
9 order, among other items, I would ask
10 Mr. MacShane now that he is currently
11 unrepresented by counsel to review
12 that order, to make certain that he's
13 aware of the fact that among other
14 items in the order, he owes Mrs.
15 MacShane the sum of 1,000 a month as
16 and for maintenance, which hasn't been
17 paid for some time. At a minimum now
18 he needs to review that. minimum
19 payments on credit cards, etcetera,
20 those are the items I'm speaking
21 about, but I would ask that Mr.
22 MacShane review that order, you know,
23 in expectation of receiving contempt
24 motion.

25 Thank you, your Honor.

MR. MACSHANE: Excuse me,

1 CONFERENCE 15
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3 your Honor, anything that preempts
4 such motion that it's frivolous and
5 false, because all of my cards are on
the table.

6 THE COURT: Listen to me.
7 You can argue that it's frivolous in
8 your opposition papers. I'll listen
9 to both sides.

10 MR. MACSHANE: To preempt.

11 THE COURT: How can I know
12 something before I read the papers?

13 MR. MACSHANE: From the
14 paperwork that the defense attorney
15 has, that they would know there is no
16 way that I have this money, nor do I
17 have the assets. It's been known
18 since before I lost my house, your
19 Honor.

20 THE COURT: You can argue
21 that.

22 MR. MACSHANE: Nothing to
23 preempt.

24 THE COURT: You couldn't
25 preempt anything. Law doesn't permit

16
CONFERENCE

1
2 that. After the fact if I find it's
3 frivolous, I can say this was
4 frivolous and I could sanction them up
5 to \$10,000.

6 But let me say this to you:
7 I know Ms. Hudak a long time and I've
8 never known her to make frivolous
9 motions. I've known her to make
10 motions which I have denied, but never
11 frivolous.

12 MR. MACSHANE: This is
13 frivolous.

14 MS. HUDA: My motion for
15 contempt would be frivolous, just so
16 that I can clarify.

17 MR. MACSHANE: Practically
18 criminal.

19 MS. HUDA: If I may, we're
20 not revisiting Judge Sweeney's
21 pendente lite.

22 THE COURT: His argument is
23 that he can't comply with it, you
24 know, not that he's defying, he can't
25 comply and I'll find that out.

1 CONFERENCE
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3 As a matter of fact, you know
4 what you could do, make motion
5 returnable by Order to Show Cause on
6 November 15th. I'll come in November
7 15th and set it down for an order that
8 week for hearing so you be prepared to
9 go the 17th -- 16, 17th, 18th or
10 19th. No?

11 MS. HUDAQ: That would be
12 when the trial would be.

13 THE COURT: Hearing on the
14 contempt, I want to do it before I go.

15 MR. BLOOMFIELD: For the
16 record, I'm gone.

17 THE COURT: You're gone as
18 of now.

19 If you come in without an
20 attorney, I can almost guarantee the
21 result, you know. This is a very
22 serious matter and, you know, I would
23 like to -- I don't want you losing
24 because you don't have an attorney who
25 can articulate the law and argue and
examine witnesses. I don't think

1 CONFERENCE 18
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3 you're capable of doing that. No way
4 I would be capable of doing your job
5 and not any disrespect. If you don't
6 have an attorney, it's going to be
7 very difficult for you to prevail.

8 I'll say this to you, if I
9 were you, I would get an attorney real
10 quickly. I don't know, let that
11 attorney review what was done and I
12 have a feeling that -

13 MR. MACSHANE: If I had the
14 money.

15 THE COURT: Let me finish.
16 I have a feeling they'll come to the
17 same conclusion Mr. Bloomfield did,
18 the proposed settlement was fair and
19 reasonable with what I said today to
20 them and you could avoid the whole
mess.

21 I think what you are doing
22 is, again, I did think it's in good
23 faith, I'm not going to argue that and
24 Mr. Bloomfield was very clear that he
25 understands your reasoning, but if you

1 CONFERENCE 19
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were a business person and I said, if, you go this route you're going to lose a lot of money. If you go this route you'll lose a lot of money and you said I'm a man of principles, I would rather lose the money. Wait, I'm using that as analogy. Not saying it's what you have done. I can almost guarantee if you don't have an attorney, this is going to turn out much worse than a settlement. If you have an attorney, I would want them to exercise independent judgment. I wouldn't be surprised if they came to the same conclusion Mr. Bloomfield did. You're digging in, spinning your wheels and you'll end up hurting yourself. And the reason is that I'm not going to be the judge that decides it and I'm not going to discuss this with the new judge, but you're going to be very unhappy if you push this to the limit.

25 I think you're making a

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CONFERENCE

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2 terrible mistake and that's my advice
3 as best I can give it to you and
4 because I don't want to see you end up
5 in jail and I don't want to see
6 decision by another judge that
7 financially hurts you more than you
8 would have been had you gone along
9 with the settlement and you better
10 sleep on it.

11 Mr. Bloomfield did a great
12 job for you and I have to tell you I
13 didn't know him before this and I
14 never saw anybody so tenacious that
15 wasn't getting paid and sticking up
16 for you every turn. And because the
17 easy thing for him would have been to
18 say, look, I can't settle it, I'll
19 walk away now, he didn't, he stuck in.
20 As difficult as it was, you should be
21 grateful for him and I have tremendous
22 respect for Mr. Bloomfield.

23 MR. BLOOMFIELD: Just I have
24 to, I may not agree with everything
25 that the Court said about me, but

1 CONFERENCE 21

2 there is one thing that's obvious to
3 both counsel, the amount of effort
4 that you, this Court, put in, the time
5 this Court put into attempting
6 resolution is extraordinary. And a
7 lot of it was off the record in
8 chambers, trying to work things out.
9 Number of hours and the efforts and
10 constructive nature of it, from my
11 point of view and I've been practicing
12 over 36 years, extraordinary. I've
13 never experienced anything that was
14 more than that effort and I wish to
15 thank the Court for that.

16 And I also wish to say that I
17 hope that the parties do resolve this
18 as soon as possible and I know it
19 behoves both of them to do so.

20 THE COURT: I agree
21 completely with that and I just hope
22 that it can be done during this
23 interim period, that something be done
24 to resolve it. If not, we'll go
25 forward and I think contempt

22

CONFERENCE

1 motion will decide a lot of this case.
2 one way or the other and that's why I
3 wanted to do a hearing before you at
4 least the bench and I'm clearly, that
5 whole week. I know I can get it done.

6 MR. BLOOMFIELD: Thank you,
7 your Honor.

8 MS. HUDA: And obviously Mr.
9 Bloomfield is always eloquent and we
10 join in his sentiment.

11 MR. MACSHANE: In light of
12 the lien on the property, do I have
13 access to my file?

14 THE COURT: Not. Until you
15 either pay the bill or I set the lien,
16 if you want to agree to the lien, I'll
17 have him send the file over, but in no
18 event will any money go to you, but
19 I'm not going to lift the lien on any
20 property.

21 MR. MACSHANE: I'm not
22 looking for a lift on the lien. I'm
23 agreeing to the lien.

24 THE COURT: Do you want to

23

CONFERENCE

1 know the amount?
23 MR. MACSHANE: I don't.
45 THE COURT: I don't think
6 Mr. Bloomfield does.
78 MR. MACSHANE: Couldn't that
9 be settled a later date.
1011 THE COURT: Law requires at
12 least the lien be set before the file
13 is turned over. Not paid, but set.
1415 MR. MACSHANE: Okay.
1617 THE COURT: If you agree
18 with Mr. Bloomfield, he'll send a
19 stipulation. I'll so order and you
20 get the file, but right off the top
21 but --
2223 MR. MACSHANE: I'm in over my
24 head.
2526 THE COURT: I think so, too.
2728 .00p
2930 Certified to be a true and correct
31 transcript.
3233 Mary C. Traynor
34 Mary C. Traynor,
35 Senior Court Reporter

05/28/2007 23:34

2129475719

Case 1:07-cv-03934-RJH

Document 1-2

LOCAL 580 FUNDS

Filed 05/21/2007

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COPY

At the Supreme Court,
State of New York held in
and for the County of
Putnam, at the Courthouse
located at 40 Gleneida
Avenue, Carmel, New York
10512, on the 15th of
July, 2004

Hon. Andrew P. O'Rourke
Present: Supreme Court Justice
Hon. Fred L. Shapiro, J.S.C.

Dermot MacShane,,
Plaintiff(s),
-against-
Judie MacShane,
Defendant(s),

Index No.: 1798/02

JUDGMENT

An Order to Show Cause having previously been submitted to this Court and
signed by Hon. Fred L. Shapiro on the 1st day of June, 2004; and

Said Order to Show Cause having sought the following enumerated items of
relief:

- 1) An order permitting and allowing Marshall E. Bloomfield, Esq. leave
to withdraw as Counsel for Plaintiff, Dermot MacShane; and
- 2) An order approving Counsel Fees and Disbursements incurred up
through and including May 24, 2004, in the amount of \$20,143.19; and
- 3) An order approving an interest of Marshall E. Bloomfield, Esq., in the
property of Plaintiff, Dermot MacShane, pursuant to NYCRR §202.16(2); and

The above captioned matter having come on before this Court on July 7, 2004,
August 12, 2004, and October 6, 2004; and

The Court having read the Affirmation of Marshall E. Bloomfield, Esq., dated
May 28, 2004, and submitted in support of the motion; and

PUTNAM COUNTY
CLERK

2005 JUN - 6 PM 2: 16

The Court on October 6, 2004, having granted the motion in its entirety; and
The Court on October 6, 2004, having directed the submission of a
Supplemental Affirmation of Services on Notice; and

The Court having read the Supplemental Affirmation of Marshall E. Bloomfield,
Esq., dated October 29, 2004; and

The Court by Decision and Order dated November 18, 2004, having granted
the Supplemental Application for Counsel Fees and Disbursements in the additional
amount of \$10,249.00; and

The Court by Decision and Order dated November 18, 2004, having directed
the Settlement of a Judgment on five days Notice;

NOW upon motion of Marshall E. Bloomfield, Esq., it is hereby
ORDERED and ADJUDGED that Judgment be made and entered herein in
favor of Marshall E. Bloomfield, Esq., and against Plaintiff, Dermot MacShane, in the
amounts of \$20,143.19 and \$10,249.00 for a total of \$30,392.19; and it is further

ORDERED and ADJUDGED that an interest in the property of Plaintiff, Dermot
MacShane, to the extent of \$30,392.19, be awarded in favor of Marshall E.
Bloomfield, Esq., pursuant to NYCRR §202.16(2); and it is further

ORDERED and ADJUDGED that Marshall E. Bloomfield, Esq., have execution
thereon.

ENTER

J.S.C.

Hon. Andrew P. O'Rourke
Supreme Court Justice

Entered January 6, 2005

By Dermot MacShane

AMENDED DECISION AND ORDER

To commence the statutory period of appeals as of right CPLR (5515 [a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

PUTNAM COUNTY
CLERK

2005 DEC 13 AM 9:19

SUPREME COURT OF THE STATE OF NEW YORK IAS PART, PUTNAM COUNTY

Present: Hon. Andrew P. O'Rourke
Supreme Court Justice

-----X
MARSHALL E. BLOOMFIELD, ESQ.,

INDEX NO.: 2022/2005
MOTION
DATE: 11/21/05

Petitioner-Judgment Creditor,
-against-

DERMOT MACSHANE,

Respondent-Judgment
Debtor,

-and-

JUDITH MACSHANE

Respondent,

-and-

SERGEANTS BENEVOLENT ASSOCIATION ANNUITY FUND, THE CITY OF NEW YORK POLICE PENSION FUND, FUND OFFICE OF LOCAL 580 OF ARCHITECTURAL AND ORNAMENTAL IRON WORKERS, ALLSTATE FINANCIAL SERVICES, HSBC, CITIBANK, NEW YORK CITY POLICE DEPARTMENT, WACHOVIA f/k/a FIRST UNION,

RESPONDENTS-
GARNISHEES.

X

The following documents numbered 1 to 6 read on this motion by Petitioner to Garnish Dermot MacShane's pension and assets to satisfy a judgment.

Notice of Motion- Affidavits 1, 2

Answering Affidavits 5, 6

Replying Affidavits

Affidavits

Pleadings-Exhibits-Stipulations-Minutes 4, 4

Briefs: Plaintiff

Defendant

Motion is decided as follows:

Petitioner obtained a judgment against the Judgment-Debtor Dermot MacShane in the sum of \$30,392.19. Petitioner seeks to collect said judgment from the respondent-Garnishees Sergeant's Benevolent Association Annuity Fund, the City of New York Police Pension Fund, Fund Office of Local 580 of Architectural and Ornamental Iron Workers, Allstate Financial Services, HSBC, Citibank, New York Police Department and Wachovia aka First Union, all of whom have monies belonging to Respondent-Debtor Dermot MacShane.

Petitioner seeks a judgment pursuant to CPLR 5225(b) and CPLR 5227 ordering the turnover of property held by the Respondent-Garnishee to the Petitioner Judgment Creditor sufficient to satisfy the outstanding judgment. Petitioner further alleges Dermot MacShane is employed by the New York City Police Department holding the rank of Sergeant for an annual salary of \$75,070 against which there are no liens or judgments. Petitioner requests installment payments be made to Petitioner from Dermot McShane's salary to satisfy the outstanding

judgment.

In opposition Respondent Garnishee, Fund Office of Local 580 of Architectural and Ornamental Iron workers, states Petitioner's request to turnover funds from the pension plan benefits to which Dermot MacShane might be entitled is barred by ERISA and unenforceable.

An affidavit in opposition is submitted by Judith MacShane who states that Dermot McShane's pensions and annuities are part of the equitable distribution to which she is entitled. Ms. MacShane alleges her interest herein are superior to any other claim and should be preserved.

After a review of the documents presented the Court directs that the Judgment Debtor, Dermot McShane's employer, the New York City Police Department pay directly to Petitioner-Judgment Creditor, the sum of \$200 per pay period until the judgment owed herein is paid in full.

Additionally, any moneys held by HSBC, Citibank, Allstate Financial Services and or Wachovia f/k/a First Union in the name of Dermot McShane will be turned over to the Petitioner-Judgment Creditor Marshall E. Bloomfield, Esq. Toward the satisfaction of Petitioner's judgment.

This constitutes the order of the Court.



Andrew P. O'Rourke
Justice of the Supreme Court

Dated: December 12, 2005
Carmel, NY

2022/200

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF PUTNAM

MARSHALL E. BLOOMFIELD, ESQ.

Petitioner-Judgment Creditor

against-

Dermot MacShane,

Respondent-Judgment Debtor

Judith MacShane,

Respondent

AND

Sergeants Benevolent Association Annuity Fund, The City of New York Police Pension Fund, Fund Office of Local 580 of Architectural and Ornamental Iron Workers, Allstate Financial Services, HSBC, Citibank, New York City Police Department, Wachovia f/k/a First Union,

INFORMATION SUBPOENA

WITH RULE 5224

CERTIFICATION & ANNEXEDQUESTIONNAIRE

To:

Fund Office of Local 580 of Architectural and Ornamental Iron Workers
501 W 42 ST
NY, NY 10036

WHEREAS, in an action in the, Supreme Court of the State of New York County of Putnam with as Plaintiff(s) and as Defendant(s) who are all the parties in said action, a judgment was entered on 8/16/2003 in favor of Marshall E. Bloomfield Esq . Judgment Creditor and against, and against, Dermot MacShane, Judgment Debtor(s) in the amount of \$30,592.19 of which \$31,489.91 together with interest thereon from March 20, 2007 remains due and unpaid; and,

NOW, THEREFORE WE COMMAND YOU, that you answer in writing under oath, separately and fully, each question in the questionnaire accompanying the subpoena, each answer referring to the question to which it responds; and that you return the answers together with the original of the questions within 7 days after your receipt of the questions and this subpoena.

TAKE NOTICE that false swearing or failure to comply with this subpoena is punishable as contempt of court.

PLEASE TAKE NOTICE that you are hereby commanded to answer fully each and every question herein below set forth to the best of your ability, and wherever possible to do so in the space provided thereunder, returning the original thereof, SIGNED BEFORE A NOTARY PUBLIC, in the prepaid, self-addressed envelope enclosed, within seven (7) days after your receipt of these Questions and the Subpoena annexed hereto.

NOTICE: CPLR Rule 5224(a)3 STATES, (and we require compliance with):

"EACH QUESTION SHALL BE ANSWERED SEPARATELY & FULLY and EACH ANSWER SHALL REFER TO THE QUESTION TO WHICH IT REFERS . . . ANSWERS SHALL BE RETURNED WITH THE ORIGINAL OF THE QUESTIONS within SEVEN days after receipt."

I HEREBY CERTIFY that this Information Subpoena complies with Rule 5224 of the Civil Practice Law and Rules and the I have a reasonable belief that the party receiving this Information Subpoena has in their possession information about the Judgment Debtor(s) that will assist the Judgment Creditor in collecting the Judgment.

YOUR SHORT FORM WILL NOT BE COMPLIANCE!

Answers shall be made by any officer, agent, or employee having the information if you are a corporation, partnership or sole proprietorship.

Dated: Bronx, New York
March 20, 2007

Marshall E. Bloomfield, Esq
Attorney for Judgment Creditor(s)

349 E 149 ST, BX NY 10451-560
(718) 665-6900 or (212) 662-1870

Attorney File# 88104

NOTE: There is a Restraining Notice attached hereto and served simultaneously.

Please do not hesitate to contact this firm if you have questions or need more information!

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF PUTNAM

20225

MARSHALL E. BLOOMFIELD, ESQ
 Petitioner-Judgment Creditor
 -against-
 Dermot MacShane,
 Judith MacShane,
 AND
 Respondent

Sergeants Benevolent Association Annuity Fund, The City of
 New York Police Pension Fund, Fund Office of Local 580 of
 Architectural and Ornamental Iron Workers, Allstate Financial
 Services, HSBC, Citibank, New York City Police Department,
 Wachovia/aka First Union.

QUESTIONNAIRE

TO: Fund Office of Local 580 of Architectural and Ornamental Iron Workers
 501 W 42 ST
 NY, NY 10036

STATE OF NEW YORK

SS:

COUNTY OF _____

I, Peter Myers BEING SWORN DEPOSES AND SAYS: THAT DEFONENT IS THE
FUND DIRECTOR OF LOCAL 580 RECIPIENT OF AN INFORMATION SUBPOENA HEREIN AND OF THE ORIGINAL
 AND A COPY OF QUESTIONS ACCOMPANYING SAID SUBPOENA. THE ANSWERS SET FORTH BELOW ARE MADE FROM INFORMATION
 OBTAINED FROM RECORDS OF THE RECIPIENT:

(IF YOU NEED MORE SPACE, YOU MAY ATTACH ADDITIONAL SHEETS OF PAPER TO THIS SUBPOENA)
 PLEASE CHECK ALL ACCOUNTS INCLUDING BUT NOT LIMITED TO:

A>> WAS THERE EVER* AN ACCOUNT AT YOUR BANK, EVEN IF NOW 'CLOSED'?;
 *(CERTAINLY WITHIN LAST 3 YEARS UNLESS YOUR RECORDS GO FURTHER!)

MUST ANSWER>> YES: NO: <<INITIAL CORRECT ANSWER

B>> AFTER A THOROUGH AND EXHAUSTIVE CHECK OF ALL YOUR RECORDS, HAVE YOU FOUND ANY ACCOUNTS, AND
 WHETHER OR NOT THEY ARE PRESENTLY OPEN OR CLOSED, FOR EITHER ACCOUNTS OR LOANS, AT ANY OF YOUR
 NUMEROUS OFFICES OR BRANCHES?"

MUST ANSWER>> YES: NO: <<INITIAL CORRECT ANSWER

<<THANK YOU FOR YOUR COOPERATION>>
 <<REMINDER: YOUR ANSWER MUST BE NOTARIZED>>

IF THE ANSWER TO NO, "B>>" ON PRIOR PAGE IS "YES", AND IF THERE WERE (OR ARE) OPEN OR CLOSED ACCOUNTS (INCLUDING IN
 ANY OF YOUR BRANCHES), YOU MUST FILL OUT THE REMAINING QUESTIONS WITHIN THIS SUBPOENA. ON THE OTHER HAND, IF THE
 ANSWER IS "NO", AND IF YOU'RE SURE, YOU NEED NOT ANSWER ANY MORE QUESTIONS --- JUST INITIAL EACH ANSWER AND SIGN ON THE
 LAST PAGE BEFORE A NOTARY PUBLIC AFTER SWEARING TO THE ACCURACY OF YOUR ANSWERS.

WHERE ANSWER TO "A>>" OR "B>>" "YES" THEN:

L. SET FORTH EACH & EVERY ITEM SHOWN ON YOUR ACCOUNT RELATIONSHIP/CUSTOMER DATA BASE (OR RECORDS), OR
 OTHERWISE WITHIN YOUR POSSESSION, ACCESS, AND/OR CONTROL, WITH REFERENCE TO ABOVE-NAMED JUDGMENT DEBTOR(S),
 INCLUDING, BUT NOT LIMITED TO:

A. THE EXACT TITLE AND ACCOUNT NUMBER OF EACH AND EVERY ACCOUNT, OR RELATED ACCOUNT, AND WHETHER PAST OR PRESENT, OPEN OR CLOSED, AND IF CLOSED, ON WHAT DATE(S).

Local 580 Annuity Fund. 133-58-5507. Open

B. SET FORTH WHETHER OR NOT THE SAID ACCOUNT(S) ARE WITH YOUR BANK; AND IF "YES", WITH WHICH BRANCH, AND ITS ADDRESS: Local 580 Annuity Fund.

501 West 42nd St. N.Y. N.Y. 10036

C. FOR EACH SAID ACCOUNT, SET FORTH THE CURRENT BALANCE:

\$ 59,804.80

D. SET FORTH WHETHER OR NOT EACH ACCOUNT ENUMERATED IS NOW OPEN OR CLOSED. AND IF CLOSED, SET FORTH THE DATE OF CLOSING THEREOF. PLUS THE PAYEE, DATE AND AMOUNT OF LAST 10 WITHDRAWALS. PLUS THE PAYOR, DATE, AND AMOUNT OF LAST 10 DEPOSITS.

Opened.

2. SET FORTH ALL EMPLOYMENT INFORMATION SHOWN ON YOUR RECORDS, INCLUDING DATES OF EMPLOYMENT & YOUR VERIFICATION THEREOF.

NOT AN EMPLOYEE. he is a member of this uni

3. SET FORTH THE DATE OF BIRTH OF THE JUDGMENT DEBTOR(S). 12-21-1959

4. SET FORTH THE SOCIAL SECURITY NUMBER OF THE JUDGMENT DEBTOR(S). 133-58-5507

5. SET FORTH ALL CREDIT INQUIRIES RECEIVED RELATIVE TO JUDGMENT DEBTOR(S). (WHO INQUIRED? WHEN? WHAT WAS STATED PURPOSE OF INQUIRY?)

UNKNOWN

6. SET FORTH THE TITLE OR POSITION OF THE EMPLOYEE(S) (JUDGMENT DEBTOR(S)).

NOT A EMPLOYEE.

7. SET FORTH THE ANNUAL SALARY OF THE SAID JUDGMENT DEBTOR(S).

UNKNOWN

8. IF THE JUDGMENT DEBTOR(S) IS/ARE MARRIED, SET FORTH THE NAME, (MAIDEN NAME IF APPROPRIATE), SOCIAL SECURITY NUMBER, AND ADDRESS OF THE SPOUSE.

N/A

9. SET FORTH NAME & ADDRESS ANY KNOWN DEPENDANTS OF DEBTOR(S). SIOBHAN MACSHANE
1030 HOLLYWOOD AVE. BRONX N.Y. 10465

Vermet MACSHANE 0810M-07 to Fund Office of Local 580 of Architecture and Ornamental Iron Workers-070320-LH,W/PD

10. SET FORTH ALL REAL PROPERTY OWNED BY THE JUDGMENT DEBTOR(S).

UNKNOWN

11. SET FORTH THE NAME AND ADDRESS OF THE CLOSEST LIVING RELATIVE OF THE JUDGMENT DEBTOR(S).

UNKNOWN

12. SET FORTH ALL REFERENCES (BOTH BUSINESS, BANKING, AND PERSONAL) LISTED BY THE JUDGMENT DEBTOR(S), AS WELL AS THEIR ADDRESSES.

UNKNOWN

13. SET FORTH ALL ASSETS LISTED BY THE JUDGMENT DEBTOR(S).

UNKNOWN

14. SET FORTH THE YEAR, MAKE, AND LICENSE NUMBER AND/OR REGISTRATION NUMBER OF ANY VEHICLES OWNED BY THE JUDGMENT DEBTOR(S).

UNKNOWN

15. SET FORTH WHETHER OR NOT THE RECORDS KEPT IN THE NORMAL COURSE OF BUSINESS INDICATES THAT ANY OPEN ACCOUNT HAS A HIGHER BALANCE AT ANY GIVEN DAY OF THE WEEK, TIME OF THE MONTH, PERIOD OF THE YEAR, AND IF SO, IDENTIFY THE SAME.

N/A

16. SET FORTH WHETHER OR NOT THERE IS ANY PERSON OR PERSONS WITHIN THE BANK PARTICULARLY FAMILIAR WITH THE ABOVE ACCOUNT(S) OR RELATED BUSINESS, AND IF SO, SET FORTH THE PERSON'S NAME AND TITLE.

UNKNOWN

17. IF THE ANSWER TO NO. 16 IS AFFIRMATIVE, PLEASE HAVE SAID PERSON REVIEW AND SUPPLEMENT THE ANSWERS PREVIOUSLY PROVIDED ELSEWHERE HEREIN: IT GOES TO THE ESSENCE OF THE INTEGRITY OF THE ANSWERS PROVIDED BY YOU THAT YOUR ANSWERS ACCURATELY REFLECT AND PRESENT A TRUE AND ACCURATE PICTURE OF THE INFORMATION SOUGHT HEREIN.

N/A

18. PLEASE SET FORTH THE MOST RECENT HOME ADDRESS YOUR RECORDS INDICATE FOR EACH NAMED JUDGMENT DEBTOR(S):

1030 HOLLYWOOD AVE. BRONX N.Y. 10465

19. STATE WHETHER THERE ARE ANY PENDING TRANSACTIONS, OR SUMS OF MONEY PRESENTLY DUE, OR TO BECOME DUE TO JUDGMENT DEBTOR(S), AND IF SO, THE AMOUNT(S) THEREOF. IF AFFIRMATIVE, SET FORTH INFORMATION THEREON.

NONE AT THIS TIME

20. IF THE JUDGMENT DEBTOR(S) RECEIVE AUTOMATIC DEPOSITS OR WITHDRAWS FROM ANY OPEN OR CLOSED ACCOUNT AT YOUR INSTITUTION, PLEASE SET FORTH ALL INFORMATION REGARDING THESE TRANSACTIONS.

N/A

21. IF ANY OF THE OPEN OR CLOSED ACCOUNTS WAS LINKED TO A BROKERAGE ACCOUNT, OR MORTGAGE ACCOUNT, PLEASE SET FORTH ALL INFORMATION REGARDING THE LINKED ACCOUNT(S).

N/A

TAKE FURTHER NOTICE, THAT FALSE SWEARING OR FAILURE TO COMPLY WITH EACH AND EVERY ONE OF THE ABOVE ITEMS SET FORTH IN THE ABOVE SUBPOENA IS PUNISHABLE AS A CONTEMPT OF COURT.

DATED: BRONX, NEW YORK
MARCH 20, 2007

MARSHALL E. BLOOMFIELD, ESQ.
ATTORNEY FOR JUDGMENT CREDITOR(S)
349 E 149 ST, BX, NY 10451-560
(718) 662-5900 OR (212) 662-1871
ATTORNEY FILE# 88101

THE UNDERSIGNED REPRESENTS THAT THE ABOVE ANSWERS ARE TO THE BEST OF MY ABILITY!

Peter Myers
BY: Peter Myers

(NAME SIGNED MUST BE PRINTED BELOW)

SWORN TO BEFORE ME THIS 3

DAY OF APRIL 2007

Peter Myers
NOTARY PUBLIC

PATRICK DOHERTY
Notary Public, State of New York
No. 01D06018158
Qualified in Rockland County
Commission Expires Jan. 4, 2011

NOTE: YOU ONLY HAVE TO RETURN THE ORIGINAL TO OUR OFFICE THE "COPY" IS FOR YOUR RECORDS AND RETURNING IT TO US MAY REQUIRE YOU TO PLACE EXTRA POSTAGE ON THE ENVELOPE PROVIDED!

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

Marshall E. Bloomfield.

Petitioner-Judgment Creditor

-against-

Dermot MacShane

Respondent-Judgment Debtor

And

Sergeant's Benevolent Association Annuity Fund, The City of New York Police Pension Fund, and the Fund Office of Local 580 of Architectural and Ornamental Iron Workers,

Respondents.

STATE OF NEW YORK)

ss:

County of Bronx)

I, Marshall E. Bloomfield, being sworn, say: I am the Petitioner-Judgment Creditor in the within Proceeding and that I have read the foregoing attached Petition and know the contents thereof and that the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters, I believe it to be true.

Marshall E. Bloomfield

Sworn to before me
This 4th day of May,
2007.

Josephine Aviles
NOTARY PUBLIC

JOSEPHINE AVILES
Notary Public, State of New York
No. 01AV5080851
Qualified in Bronx County
Commission Expires June 23, 2007

Index No.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

Marshall E. Bloomfield,

Petitioner-Judgment Creditor

-against-

Dennor MacShane,

Respondent-Judgment Debtor

And

Sergeant's Benevolent Association Annuity Fund, The City of New York Police Pension Fund, and the Fund Office of Local 580 of Architectural and Ornamental Iron Workers,

Respondents.

ORDER TO SHOW CAUSE, VERIFIED PETITION,
AND SUPPORTING DOCUMENTS

LAW OFFICES OF
MARSHALL E BLOOMFIELD, ESQ.

Attorney for Plaintiff

Office, Post Office Address and Telephone

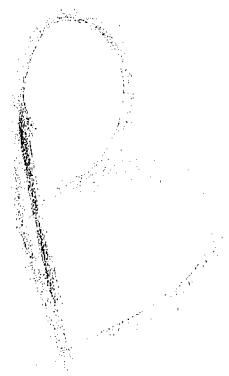
349 E 149ST
BX, NY 10451-5603
(718) 665-5900
(212) 662-1870

To:

Attorney(s) for Defendant

8810M

Exhibit B



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

MARSHALL E. BLOOMFIELD,

X

Petitioner-Judgment Creditor

Index No.: 969/07

- against -

DERMOT MACSHANE,

Respondent-Judgment Debtor

-and-

SERGEANT'S BENEVOLENT ASSOCIATION
ANNUITY FUND; THE CITY OF NEW YORK
POLICE PENSION FUND AND THE FUND
OFFICE OF LOCAL 580 OF ARCHITECTURAL
AND ORNAMENTAL IRON WORKERS,

Respondents.

X

NOTICE OF FILING OF PETITION FOR REMOVAL
OF CAUSE TO THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

TO: Clerk of the Putnam County Supreme Court
40 Gleneida Avenue
Carmel, New York 10512

TO: Marshall Bloomfield, Esq.
349 East 149th Street
Bronx, New York 10451-5603

Anne Paxton, Esq.
O'Dwyer & Bernstein, LLP
Attorneys for Respondent,
Sergeants Benevolent Association Annuity Fund
52 Duane Street, 5th Floor
New York, New York 10007

Dermot MacShane
1030 Hollywood Avenue
Bronx, New York 10463

City of New York Police Pension Fund
c/o Corporation Counsel
100 Church Street
New York, New York 10007

PLEASE TAKE NOTICE that Respondents in the above captioned action, originally pending in the Supreme Court of the State of New York, Putnam County, Index No.: 969/07, did on the 21st day of May, 2007 file in the District Court of the United States for the Southern District of New York, its Petition for Removal of said cause to said District Court of the United States for the Southern District of New York.

Dated: May 21, 2007
Garden City, New York

Respectfully submitted,

COLLERAN, O'HARA & MILLS, L.L.P.
Attorneys for Respondent
FUND OFFICE OF 580 OF
ARCHITECTURAL AND ORNAMENTAL
IRON WORKERS

By:


JOHN STACKPOLE GROARKE
1225 Franklin Avenue, Suite 450
Garden City, New York 11530
(516) 248-5757

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

MARSHALL E. BLOOMFIELD,

-X

Petitioner-Judgment Creditor

Index No.: 969/07

- against -

DERMOT MACSHANE,

Respondent-Judgment Debtor

**AFFIDAVIT
OF SERVICE**

-and-

SERGEANT'S BENEVOLENT ASSOCIATION
ANNUITY FUND; THE CITY OF NEW YORK
POLICE PENSION FUND AND THE FUND
OFFICE OF LOCAL 580 OF ARCHITECTURAL
AND ORNAMENTAL IRON WORKERS.

Respondents.

-X

STATE OF NEW YORK)

) ss.:

COUNTY OF NASSAU)

Joan Cancellieri, being duly sworn, deposes and says:

Deponent is not a party to this action, is over eighteen (18) years of age and resides in West Hempstead, New York 11550

On May 21, 2007 Deponent served the within **NOTICE OF FILING OF VERIFIED PETITION FOR REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK** upon the following attorney in this action, at the address indicated below, which address has been designated by said attorney for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in an

official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

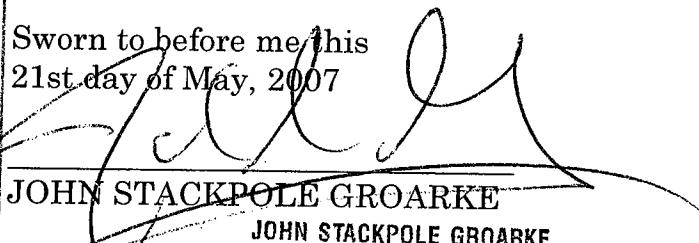
TO: MARSHALL BLOOMFIELD, ESQ.
Petitioner
349 East 149th Street
Bronx, New York 10451-5603

DERMOT MACSHANE
Respondent
1030 Hollywood Avenue
Bronx, New York 10463

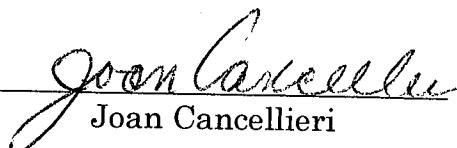
ANNE PAXTON, ESQ.
O'DWYER & BERNSTEIN, LLP
Attorneys for Respondent
SERGEANTS BENEVOLENT ASSOCIATION ANNUITY FUND
52 Duane Street, 5th Floor
New York, New York 10007

CITY OF NEW YORK POLICE PENSION FUND
Respondent
c/o Corporation Counsel
100 Church Street
New York, New York 10007

Sworn to before me this
21st day of May, 2007


JOHN STACKPOLE GROARKE

JOHN STACKPOLE GROARKE
Notary Public, State of New York
No. 02GR6070169
Qualified in Nassau County
Commission Expires Feb. 19, 2010


Joan Cancellieri